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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,871	11/24/2003	Roger S. Kerr	82473BNAB	5124

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Eastman Kodak Company
Patent Legal Staff
343 State Street
Rochester, NY 14650-2201

EXAMINER

MCCLELLAND, KIMBERLY K

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/720,871	Applicant(s) KERR ET AL.	
	Examiner Kimberly K. McClelland	Art Unit 1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Nordeen et al. (US 6,022,440). As to Claim 1, Nordeen et al. discloses a method for laminating a pre-press proof comprising creating a coated sheet of plastic material; laminating a pre-laminate sheet of material consisting of a first thermoplastic layer and a first support layer to the coated sheet of plastic material; removing the first support layer forming a pre-laminated receiver stock; creating an imaged receiver sheet with a second support layer; laminating the imaged receiver sheet with a pre-laminated receiver stock; and removing the second support layer forming a pre-press proof (column 10, lines 31-58; column 6, lines 41-43 and 60-63; column 7, lines 7-9 and 13-19 and 28-32; column 3, lines 3-4).

As to Claim 10, Nordeen et al. discloses a method wherein the image is an inkjet generated image (column 3, lines 1-2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordeen et al. (US 6,022,440) as applied to claims 1 and 10 above, and in further view of Sasaki (US 4,786,537).

As to Claims 2 and 3, Nordeen et al. discloses a method wherein the removable first and second support layers are coated paper substrates (column 3, lines 25-26), but Nordeen et al. is silent as method wherein the first and second support layers are comprised of a support base and a release layer. It is well known and conventional in the transfer art, as disclosed by Sasaki (column 2, lines 60-63), to provide a support layer, which is comprised of a support base, and a release layer, i.e. a paper support base having a silicone release layer. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the coated paper disclosed by Nordeen et al. with a structure comprised of a support base, i.e. a paper substrate, and a release layer, i.e. a silicone layer, as suggested by Sasaki; the fabrication of a removable support layer having a support base and a release layer being well established in the art.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nordeen et al. (US 6,022,440) as applied to claims 1 and 10 above, and in further view of Sasaki (US 4,786,537) and Kolobow (US 4,093,515).

As to Claim 4, Nordeen et al. discloses a method wherein the removable second support layer is a coated paper substrate (column 3, lines 25-26), but Nordeen et al. is silent as method wherein the second support layer is comprised of a support base and a release layer. It is well known and conventional in the transfer art, as disclosed by Sasaki (column 2, lines 60-63), to provide a support layer, which is comprised of a support base, and a release layer, i.e. a paper support base having a silicone release layer. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the coated paper disclosed by Nordeen et al. with a structure comprised of a support base, i.e. a paper substrate, and a release layer, i.e. a silicone layer, as suggested by Sasaki; the fabrication of a removable support layer having a support base and a release layer being well established in the art.

As to Claim 4, the references as combined do not disclose a method wherein the second support layer includes an aluminized layer. It is well known and conventional in the laminating art, as disclosed by Kolobow (column 5, lines 27-34), to provide a removable support layer with an aluminized layer to promote the releasability of the support layer. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the second support layer of the references as combined to include an aluminized layer as suggested by Kolobow to promote the releasability of the support layer.

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6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordeen et al. (US 6,022,440) as applied to claims 1 and 10 above, and in further view of Pilu (US 6,460,993).

As to Claims 5 and 6, Nordeen et al. discloses a pre-press proof formed by the method recited in Claim 1, but does not disclose a pre-press proof with a resolution of between 1000 dpi and 4000 dpi or a resolution of between 1800 dpi and 3000 dpi. Pilu discloses that it is not uncommon for individual users to possess ink jet printers having a resolution of perhaps up to 2400 dpi and that high resolution printing results in printed items which are more convincing (column 3, lines 44-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the pre-press proof of Nordeen et al. with a resolution of between 1800 dpi and 3000 dpi, i.e. 2400 dpi, as suggested by Pilu to yield an convincing image with excellent clarity.

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordeen et al. (US 6,022,440) as applied to claims 1 and 10 above, and in further view of Yamaguchi (US 6,435,640).

As to Claims 7 and 8, Nordeen et al. discloses providing the imaged receiver sheet with an inkjet generated image (column 3, lines 1-2), but Nordeen et al. is silent as to the imaged receiver sheet comprising either a monochrome or a multi-colored image. It is well known and conventional in the printing art, as disclosed by Yamaguchi (column 3, lines 40-42), to provide ink jet printed images in either monochrome or multicolor to create customized images. It would have been obvious to

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one of ordinary skill in the art at the time of the invention to provide the inkjet generated image of Nordeen et al. as either a monochrome or multi-colored image as suggested by Yamaguchi; the utilization of inkjet printing to provide both monochrome and multi-colored images being well established in the art.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nordeen et al. (US 6,022,440) as applied to claims 1 and 10 above, and in further view Shimizu et al. (US 5,489,355)

As to Claim 11, Nordeen et al. does not disclose a method wherein the adhesive coating of the plastic material takes place in a printing press. It is well known in the adhesive bonding art, as disclosed by Shimizu et al. (column 3, lines 35-38), to provide a substrate with an adhesive coating in a printing press. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the adhesive coating of the plastic material of Nordeen et al. in a printing press as suggested by Shimizu et al.; the utilization of a printing press to provide a substrate with an adhesive coating being well established in the art.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nordeen et al. (US 6,022,440) as applied to claims 1 and 10 above, and in further view of Kondos et al. (US 6,593,423).

As to Claim 12, Nordeen et al. does not disclose a method wherein the sheet of plastic material is coated with chlorinated polypropylene. It is well known and

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conventional in the adhesive bonding art, as disclosed by Kondos et al. (column 1, lines 35-39; column 2, lines 39-50), to coat the bonding surface of a polymeric sheet with an adhesion promoting agent, e.g. chlorinated polypropylene, to increase the adherence of the plastic sheet to other substrates. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Nordeen et al. to include coating the sheet of plastic material with an adhesion promoting agent, i.e. chlorinated polypropylene, as suggested by Kondos et al. to increase the adherence of the plastic sheet to the other sheet material thereby resulting in a securely bonded laminate.

Response to Arguments

10. In response to the applicant's cancellation of Claims 13, 15-20, and 22-24, the rejections of those claims under 35 USC 102(b) and 35 USC 103(a) have been withdrawn.

11. Applicant's arguments filed September 22, 2005 have been fully considered but they are not persuasive. In response to the applicant's arguments that the reference of Nordeen et al. (US 6,022,440) does not anticipate Claim 1 under 35 U.S.C. 102(b), the examiner disagrees. Nordeen et al. discloses all the limitations set forth in Claim 1, including: a method for laminating a pre-press proof comprising creating a coated (adhesive layer) sheet of plastic material (final substrate, i.e. polymeric film); laminating a pre-laminate sheet of material (first image composite) consisting of a first thermoplastic layer (first ink-receptive layer, i.e. polycarbonate) and a first support layer (temporary support) to the coated (adhesive) sheet of plastic material (second receptor);

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removing the first support layer (temporary support) forming a pre-laminated receiver stock; creating an imaged receiver sheet (second image composite) with a second support layer (second temporary support); laminating the imaged receiver sheet (second image composite) with a pre-laminated receiver stock; and removing the second support layer (second temporary support) forming a pre-press proof (column 10, lines 31-58; column 6, lines 41-43 and 60-63; column 7, lines 7-9 and 13-19 and 28-32; column 3, lines 3-4). As a result, the rejection of Claim 1 under 35 U.S.C. 102(b) is maintained.

12. In response to the applicant's arguments that the reference of Nordeen et al. (US 6,022,440) in view of various secondary references does not anticipate depending Claims 1 and 10 under 35 U.S.C. 103(a), the examiner agrees. As a result, the rejections to claims 1 and 10 in view of various secondary references have been withdrawn.

13. In response to the applicant's arguments that the reference of Nordeen et al. (US 6,022,440) in view of various secondary references does not anticipate depending Claims 2-8 and 11-12 under 35 U.S.C. 103(a), the examiner disagrees. With respect to claims 2-8 and 11-12, the various secondary references effectively modify the Nordeen et al. reference to encompass claims 2-8 and 11-12. Consequently, the rejection of Claims 2-8 and 11-12 under 35 U.S.C. 103(a) is maintained.

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly K. McClelland whose telephone number is (571) 272-2372. The examiner can normally be reached on 8:00 a.m.-5 p.m. Mon-Fri..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris A. Fiorilla can be reached on (571)272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KKM



CHRIS FIORILLA
SUPERVISORY PATENT EXAMINER
AU 1734